

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 10, 2011
POSITION: Neutral

BILL NUMBER: SB 514
AUTHOR: J. Simitian

BILL SUMMARY: Dextromethorphan: Sale to Minors Prohibited

This bill would make it an infraction, punishable by a fine not to exceed \$250, for any person to willfully and knowingly deliver to a person under the age of 18 a nonprescription drug containing dextromethorphan without a prescription.

FISCAL SUMMARY

This bill would have no fiscal impact on the state.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or penalty for conviction of a crime.

COMMENTS

The Department of Finance is neutral on this bill.

Existing law makes it a crime, punishable as a misdemeanor, for any manufacturer, wholesaler, retailer, or other person from selling, transferring, or otherwise furnishing a specified substance, including ephedrine and pseudoephedrine, to a person under 18 years of age, except as specified.

This bill would make it an infraction, punishable by a fine not exceeding \$250, for any person, corporation, or retail distributor, in an over-the-counter sale, without a prescription, to willfully and knowingly supply, deliver, or give possession of a nonprescription drug containing dextromethorphan to a person under 18 years of age. The bill would also provide that a retail clerk who fails to require and obtain proof of age from the purchaser shall not be guilty of an infraction or subject to any civil penalties, unless the retail clerk is a willful participant in an ongoing criminal conspiracy to violate the provisions prohibiting the sale of dextromethorphan to minors.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
9901/Var Depts	SO	No	-----	No/Minor	Fiscal Impact	-----			0001
8885/Comm St Mndt	LA	No	-----	No/Minor	Fiscal Impact	-----			0001

Analyst/Principal (0236)	Date	Assistant Program Budget Manager	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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